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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,119	01/17/2001	Magnus Hallenstal	27943-00408USP1	6514

27045 7590 04/29/2004

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR C11
PLANO, TX 75024

EXAMINER

NGUYEN, BRIAN D

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,119

Applicant(s)

HALLENSTAL ET AL.

Examiner

Brian D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5-7</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The applicant is requested to fill in the blanks on page 2 and update the status of the applications cited on pages 26-29 of the specification. The application No. 08/601,964 and 08/893,507 are now abandon; 0[8]9/188,101 now pat No. 6,483,831; 08/893,677 now patent No. 6,128,295; 08/893,479 now patent No. 6,034,958; and 09/188,097 now patent No. 6,504,845.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-6, 9-15, and 17-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Christie et al (6,480,493).

Regarding claims 1-2 and 9, Christie discloses an arrangement for combining narrowband and broadband mechanisms in a communication network comprising a first node (215) configured to provide call control function; a second node (225) connected to the first node by a first and second link (220, 230, 205) configured to provide connection control functions, the second node adapted to rely on the first node for call control functions; wherein data information is transmitted over the first link and signaling information is transmitted over the second link (see figure 2; col. 5, lines 51-67).

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Regarding claim 4, Christie discloses the second and third links are for signaling between first and second nodes (see col. 4, lines 47-48).

Regarding claim 5, Christie discloses neither the data information nor the signaling information is identified (see separate data and signaling links in figure 2).

Regarding claim 6, Christie discloses the first node provide connection control function and is adapted to route a communication incoming to the second node as an outgoing communication from the first node by directing the communication over the at least one link, the communication including data information (see 205 of figure 2; col. 5, lines 58-67).

Regarding claims 10-15 and 17-30, claims 10-15 and 17-30 are either apparatus or method claims that have substantially the same limitations as in claims 1-9. Therefore, they are subject to the same rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 7, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christie (6,480,493) in view of Constantinof et al (6,381,246).

Regarding claims 3, 7, and 16, Christie does not specifically disclose the first link comprises a TDM link. However, This feature is well known in the art, Constantinof discloses the use of TDM link (see col. 3, lines 31-37). Therefore, it would have been obvious to a person

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of ordinary skill in the art at the time the invention was made to use TDM link as taught by Constantinof in the system of Christie so that information from different sources can be transmitted in the same link.

6. Claims 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christie (6,480,493) in view of Chrin et al (6,600,741).

Regarding claim 8, Christie does not specifically disclose the use of synchronous transfer mode (STM). However, to use STM or any other transfer mode is a matter of choice. Christie discloses different transfer mode including STM can be used in a system (see col. 3, lines 31-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use STM mode as taught by Christie in the system of Christie in order to communicate with network that using STM.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Brian Nguyen', with a stylized flourish at the end.

Brian Nguyen
4/26/04